

Message Text

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DRAFTED BY EB/OA/AN:AJRIMAS:JG
APPROVED BY EB/OA:MHSTYLES
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R 101918Z APR 78
FM SECSTATE WASHDC
TO AMEMBASSY VIENNA

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E.O. 11652: N/A

TAGS: EAIR, AU

SUBJECT: CIVAIR: NEXT STEPS IN AUSTRO-AMERICAN CIVAIR
RELATIONS

REF: VIENNA 2801

1. DEPARTMENT GREATLY APPRECIATES EMBASSY'S ANALYSIS AND
RECOMMENDATIONS INCORPORATED REFTEL.

2. DEPARTMENT HAS REVIEWED SITUATION AND CONCLUDES THAT
SINCE AUSTRIANS HAVE NOW FORMALLY SERVED NOTICE OF
TERMINATION OF CIVAIR BILATERAL, WE SHOULD NOT BECOME
INVOLVED IN ATTEMPTS TO PERSUADE THEM WITHDRAW THEIR
NOTICE. ON ONE HAND, SUCH ATTEMPTS ARE LIKELY TO LEAD TO
FORMAL SURRENDER OF FIFTH FREEDOM RIGHTS WHICH IS
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UNACCEPTABLE. ANYTHING SHORT OF RESTRICTIONS ON US FIFTH
FREEDOM RIGHTS, ON OTHER HAND, WILL PROBABLY BE TROUBLE-
SOME TO AUSTRIANS NOW AND ALMOST CERTAINLY CAUSE MORE
SERIOUS PROBLEMS IN THE FUTURE SHOULD PAN AM ATTEMPT TO
EXERCISE SUCH RIGHTS.

3. ANOTHER WAY OF LOOKING AT SITUATION IS THAT AS IT

NOW STANDS PAN AM WILL SERVE AUSTRIA WITHOUT FIFTH FREEDOM RIGHTS AT LEAST THROUGH NOVEMBER 1 IN A MANNER CONSISTENT WITH THE AGREEMENT AND IN A MANNER SATISFACTORY TO BOTH AUSTRIANS AND TO PAN AM. THERE IS NO IMMEDIATE PROBLEM AND THEREFORE THERE IS LITTLE JUSTIFICATION FOR RISKING RESTRICTIONS. BEST MOVE AT THIS POINT APPEARS TO BE TO INDICATE TO AUSTRIANS WILLINGNESS TO CONSIDER NEGOTIATIONS WITH THEM BUT THAT NEGOTIATIONS DO NOT HAVE TO BEGIN ANYTIME SOON.

4. AUSTRIANS HAVE MADE IT FAIRLY CLEAR THAT SO LONG AS US AIRLINE DOES NOT COMPETE WITH AUA, US AIRLINE SERVICES WILL BE WELCOMED. (E.G. PARA 3 REFTEL). THIS IS NOT LIKELY TO CHANGE EVEN IF CIVAIR AGREEMENT LAPSES. SIMILARLY, AUSTRIAN ATTITUDE CONCERNING US AIRLINE FIFTH FREEDOM COMPETITION IS NOT LIKELY TO CHANGE UNLESS AUA BEGINS TRANSATLANTIC SERVICES TO US. (CONCERNING AUA TRANSATLANTIC SERVICES, BOGEN ASKED US DEL CHAIRMAN INFORMALLY DURING FEBRUARY TALKS IF US WOULD PERMIT AUA TO CARRY FIFTH FREEDOM TRAFFIC BETWEEN VIENNA AND NEW YORK SHOULD IT WISH TO BEGIN SERVICE. WHEN HE WAS TOLD YES, HE HINTED THAT AUA NEW YORK SERVICE WOULD BE UNDERWAY WITHIN FIVE YEARS.) IN SHORT, THERE APPEARS TO BE NO NEED FOR EARLY RENEGOTIATION OF AGREEMENT NOR FOR THAT MATTER NEED TO HAVE A NEW AGREEMENT IN PLACE BY MARCH , 1979.

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5. THEREFORE, EMBASSY SHOULD WAIT UNTIL APPROACHED BY AUSTRIANS REGARDING DATES FOR NEGOTIATIONS AND RESPOND TO THEM BY INVITING THEIR PROPOSALS FOR DATES, WHICH US WILL CONSIDER, AND BY INDICATING THAT US DOES NOT BELIEVE EITHER EARLY TALKS OR NEW AGREEMENT ARE NOT COMPLETELY NECESSARY.

6. FOR EMBASSY INFO, TEXT OF DEPARTMENT NOTE ACKNOWLEDGING AUSTRIAN EMBASSY NOTE FOLLOWS:

BEGIN TEXT.

THE SECRETARY OF STATE PRESENTS HIS COMPLIMENTS TO HIS EXCELLENCY THE AMBASSADOR OF AUSTRIA AND HAS THE HONOR TO REFER TO HIS NOTE REF. NO. 1292-A/78 DATED MARCH 7, 1978, NOTIFYING THE GOVERNMENT OF THE UNITED STATES OF THE INTENTION OF THE AUSTRIAN FEDERAL GOVERNMENT TO

TERMINATE THE AIR TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE AUSTRIAN FEDERAL GOVERNMENT SIGNED AT VIENNA JUNE 23, 1966.

THE AMBASSADOR'S NOTE WAS RECEIVED BY THE DEPARTMENT OF STATE ON MARCH 10, 1978. ACCORDINGLY, THE DEPARTMENT OF STATE REGARDS THAT THE ABOVE-MENTIONED AIR TRANSPORT AGREEMENT WILL TERMINATE, IN ACCORDANCE WITH THE NOTICE PROVIDED PURSUANT TO ARTICLE 17 OF THAT AGREEMENT, AT MIDNIGHT WASHINGTON TIME ON MARCH 9, 1979, UNLESS THE NOTICE IS WITHDRAWN BEFORE THAT TIME BY AGREEMENT BETWEEN THE TWO GOVERNMENTS.

END TEXT.

VANCE

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